

REMARKS

Applicants have carefully studied the outstanding Office Action. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

The application as examined included claims 1 - 691, of which claims 1 - 656 and 660 - 664 were cancelled and claims 657 - 659 and 665 - 691 were examined.

In the present response, none of the claims are amended.

Applicants express appreciation to Examiner Leszek Kiliman for the courtesy of a telephone interview, which was granted to Applicants' representative, Sanford T. Colb (Reg. No. 26,856) on June 28, 2011.

In the telephone interview, the Advisory Action was discussed. The Examiner explained that he is prepared to allow the claims. However, the Examiner explained that in the Amendment After Final, filed on June 3, 2011, claim 682 was marked as "currently amended" but no amendment appeared in the claim. In the present response, Applicant has marked claim 682 as "previously presented" since there is no amendment to the claim.

Claims 657 - 659 and 665 - 691 stand rejected under 35 U.S.C. 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. 103(a) as being obvious over, Craig (U.S. Patent No. 4,474,852) or Forgacs (Published PCT Patent Application No. WO 03/044124).

Craig describes an improved hydrophobic composite prepared by depositing on a particulate or granular core material an adherent first coat comprising a film-forming polyurethane and, optionally, asphalt, and applying to the thus-coated core material a hydrophobic colloidal oxide, such as hydrophobic fumed silica.

Forgacs describes a method for the preparation of aggregates.

As discussed in the previous response, independent claim 678 recites, inter alia, "A method of preparing a hydrophobic composite, the method comprising: applying an adherent

layer onto a core material; subsequently coating said core material with a hydrophobic powder ... said adherent layer comprising a water-based gluing agent.”

In rejecting claim 678, the Examiner states:

“The Examiner submits that there is no convincing results shown in the specification that would show **unexpected results** when water based glue is used.” (Office Action, paragraph bridging pages 2 and 3, emphasis added):

As discussed in the previous response, the cited prior art of Craig and Forgacs describe hydrophobic composites prepared using urethane as a glue. This glue is solvent based, and the preparation of the hydrophobic composite requires use of a solvent, which is hazardous to the environment. The method of the present invention, using water based glues to prepare hydrophobic composites, is more environmentally friendly than the methods described in the prior art. Neither Craig nor Forgacs show or suggest the use of water based glues since one would expect the hydrophobic powder to be repelled by a water based glue.

Thus, the unexpected result of the method of the present invention is that the hydrophobic powder is not repelled by the water based glue, thereby providing an environmentally friendly method for the formation of a hydrophobic composite.

The benefits of using water based glue are discussed in the specification as published (U.S. Patent Publication 2006/0257643) in paragraphs 299-301.

As discussed in the previous response, Applicant respectfully submits that none of the prior art, either alone or in combination, shows or suggests the method of the present invention, as recited in claim 678, including, inter alia, applying an adherent layer onto a core material where the adherent layer includes a water-based gluing agent. Claim 678 is therefore patentable.

Claims 657 - 659, 665 - 677 and 679 - 691 each depend directly or ultimately from claim 678 and are patentable.

Applicants reserve the right to pursue the claims as filed in the context of a continuation application.

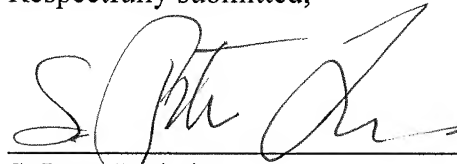
Applicant : Zeev Birger
Serial No. : 10/563,853
Filed : March 1, 2006
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In view of the foregoing remarks, all of the claims are believed to be in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'S. Peter Ludwig', is written over a horizontal line.

S. Peter Ludwig
Reg. No. 25,351

Date: June 29, 2011

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